

1       GEORGE A. ZELCS (*pro hac vice*)  
2       gzelcs@koreintillery.com  
3       **KOREIN TILLERY, LLC**  
4       205 North Michigan, Suite 1950  
5       Chicago, IL 60601  
6       Telephone: (312) 641-9750  
7       Facsimile: (312) 641-9751

8       KARMA M. GIULIANELLI (SBN 184175)  
9       karma.giulianelli@bartlitbeck.com  
10      GLEN E. SUMMERS (SBN 176402)  
11      glen.summers@bartlitbeck.com  
12      JAMESON R. JONES (*pro hac vice pending*)  
13      Jameson.jones@bartlitbeck.com  
14      **BARTLIT BECK LLP**  
15      1801 Wewetta St. Suite 1200,  
16      Denver, Colorado 80202  
17      Telephone: (303) 592-3100  
18      Facsimile: (303) 592-3140

19      *Counsel for Plaintiffs and the Proposed Class  
20      in Carr v. Google LLC, et al.*

21      STEVE W. BERMAN (*pro hac vice*)  
22      steve@hbsslaw.com  
23      **HAGENS BERMAN SOBOL SHAPIRO  
24      LLP**  
25      1301 Second Ave., Suite 2000  
26      Seattle, WA 98101  
27      Telephone: (206) 623-7292  
28      Facsimile: (206) 623-0594

29      *Counsel for Plaintiffs and the Proposed Class  
30      in Pure Sweat Basketball, Inc. v. Google LLC,  
31      et al.*

32      BONNY E. SWEENEY (SBN 176174)  
33      bsweeney@hausfeld.com  
34      **HAUSFELD LLP**  
35      600 Montgomery Street, Suite 3200  
36      San Francisco, CA 94104  
37      Telephone: (415) 633-1908  
38      Facsimile: (415) 358-4980

39      *Counsel for Plaintiffs and the Proposed Class  
40      in Peekya App Services, Inc. v. Google LLC, et  
41      al.*

42      [Additional counsel appear on signature page]

43      PEGGY J. WEDGWORTH (*pro hac vice*)  
44      pwedgworth@milberg.com  
45      **MILBERG PHILLIPS GROSSMAN  
46      LLP**  
47      One Penn Plaza, Suite 1920  
48      New York, New York 10119  
49      Telephone: 212-594-5300  
50      Facsimile: 212-868-1229

51      *Counsel for Plaintiffs and the Proposed  
52      Class in Bentley v. Google LLC, et al.*

53      PAUL J. RIEHLE (SBN 115199)  
54      paul.riehle@faegredrinker.com  
55      **FAEGRE DRINKER BIDDLE &  
56      REATH LLP**  
57      Four Embarcadero Center, 27th Floor  
58      San Francisco, CA 94111  
59      Telephone: (415) 591-7500  
60      Facsimile: (415) 591-7510

61      CHRISTINE A. VARNEY (*pro hac vice*)  
62      cvarney@cravath.com  
63      **CRAVATH, SWAINE & MOORE LLP**  
64      825 Eighth Avenue  
65      New York, New York 10019  
66      Telephone: (212) 474-1000  
67      Facsimile: (212) 474-3700

68      *Counsel for Plaintiff Epic Games, Inc. in  
69      Epic Games, Inc. v. Google LLC, et al.*

70      BRIAN C. ROCCA (221576)  
71      brian.rocca@morganlewis.com  
72      **MORGAN, LEWIS & BOCKIUS LLP**  
73      One Market, Spear Street Tower  
74      San Francisco, CA 94105-1596  
75      Telephone: (415) 442-1000  
76      Facsimile: (415) 442-1001

77      *Counsel for Defendants Google LLC,  
78      Google Ireland Limited, Google  
79      Commerce Ltd., Google Asia Pacific Pte.  
80      Ltd. and Google Payment Corp.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

EPIC GAMES, INC.,  
*Plaintiff,*

Case No. 3:20-cv-05671-JD

GOOGLE LLC et al.,  
*Defendants.*

Case No. 4:20-cv-07079-DMR

*Plaintiffs,*

V.

GOOGLE LLC et al.,  
*Defendants.*

Case No. 3:20-cv-05761-JD

MARY CARR, et al.,  
*Plaintiffs.*

V

GOOGLE LLC et al.,  
*Defendants*

Case No. 3:20-cv-05792-ID

PURE SWEAT BASKETBALL, INC., et. al.,  
*Plaintiffs*

11

GOOGLE LLC et al.,  
*Defendants*

Case No. 3:20-cv-06772-ID

PEEKYA APP SERVICES, INC., et. al,  
*Plaintiffs*

GOOGLE LLC et al.,  
Defendants

**STIPULATION AND [PROPOSED]  
ORDER REGARDING  
COORDINATION OF DISCOVERY**

Judge: Hon. James Donato

1 Plaintiffs in the above-captioned actions (the “Related Actions”), consisting of  
2 Plaintiffs in *Mary Carr, et al. v. Google LLC, et al.*, Case No. 3:20-cv-05761-JD (“Carr  
3 Plaintiffs”), *Bentley et al. v. Google LLC et al.*, No. 4:20-cv-07079-DMR (“Bentley Plaintiffs”  
4 and, together with Carr Plaintiffs, Consumer Plaintiffs), *Pure Sweat Basketball, Inc., et al. v.*  
5 *Google LLC, et al.*, Case No. 3:20-cv-05792-JD (“PSB Plaintiffs”), *Peekya App Services., Inc. v.*  
6 *Google LLC et al.*, Case No. 3:20-cv-06772-JD (“Peekya Plaintiffs” and, together with PSB  
7 Plaintiffs, Developer Plaintiffs) and *Epic Games Inc. v. Google LLC, et al.*, Case No. 3:20-cv-  
8 05671-JD (“Epic” and, together with Consumer Plaintiffs and Developer Plaintiffs, the  
9 “Plaintiffs”), and the Google Defendants<sup>1</sup> in the Related Actions, Google LLC; Google Ireland  
10 Limited; Google Commerce Ltd.; Google Asia Pacific Pte. Ltd.; and Google Payment Corp.  
11 (collectively “Google”; each of the Consumer Plaintiffs, the Developer Plaintiffs, Epic and Google  
12 will be referred to as a “Party” and, all four groups collectively shall be referred to as the  
13 “Parties”), by and through their respective counsel, hereby agree as follows:

14           1. Counsel for the Parties shall identify primary discovery contacts at their respective  
15 firms for the purpose of sending and receiving communications related to discovery in the Related  
16 Actions (hereafter, “the Discovery Liaison Counsel”), which may be updated from time to time.  
17 The Parties agree that all discovery documents, productions and correspondence may be served on  
18 any Party by way of email to its Discovery Liaison Counsel.

19           2. Plaintiffs shall coordinate discovery efforts to the fullest extent reasonably possible  
20 to minimize expense and facilitate the orderly and efficient progress of the Related Actions.  
21 Plaintiffs shall consult with each other and with Google in good faith and engage in reasonable  
22 efforts to coordinate discovery and jointly resolve any disputes concerning discovery they seek  
23 from Google, so as to avoid duplication and unnecessary burden. To the extent discovery is

<sup>1</sup> Not all Google entities have been served in each of the actions. The use of the definition “Google Defendants” or “Google” does not constitute a waiver of service as to any particular defendant.

1 served by any Plaintiff, such Plaintiff shall make reasonable efforts to avoid duplicating discovery  
 2 requests previously served by any other Plaintiffs.

3           3. Discovery requests, discovery responses, and discovery produced by Parties in  
 4 any of the Related Actions shall be served simultaneously on all Parties. Production of a  
 5 document in one of the Related Actions will be deemed a production of that document in all  
 6 Related Actions.

7           4. The Parties are not yet prepared to propose limits on the number of depositions  
 8 that the Parties may notice of other Parties. To the extent feasible, and except for good cause  
 9 shown, witnesses should be deposed only once. All Parties in the Related Actions who wish to  
 10 question an adverse or non-party witness must issue a deposition notice and should participate in a  
 11 single deposition of that witness. For any Fed. R. Civ. P. 30(b)(1) witness whose deposition will  
 12 take place pursuant to notice by two or more of the Parties, the deposition will be limited to 10  
 13 hours and will be completed in a single day or two consecutive days. In the event that Google  
 14 notices a deposition of any of the adverse Parties (or an employee of any of the adverse Parties)  
 15 and another of the Parties also notices the same witness for deposition, Google shall be entitled to  
 16 7 of the 10 hours, unless otherwise stipulated or ordered by the Court. For any other witness  
 17 whose deposition will take place pursuant to notice by only one Party (i.e., by only one of Google,  
 18 Consumer Plaintiffs, Developer Plaintiffs or Epic) pursuant to Fed. R. Civ. P. 30(b)(1), the  
 19 witness's deposition will be limited to one day of seven hours, unless otherwise stipulated or  
 20 ordered by the Court or otherwise agreed to by the Parties. If a witness/designee (i.e., the same  
 21 person) is to testify pursuant to both Fed. R. Civ. P. 30(b)(1) and Fed. R. Civ. P. 30(b)(6), unless  
 22 otherwise stipulated, the witness/designee should sit for a single session, with multiple days being  
 23 scheduled consecutively to the extent possible. The Parties shall make reasonable efforts to  
 24 disclose topics under Fed. R. Civ. P. 30(b)(6) prior to commencing depositions under Fed. R. Civ.  
 25 P. 30(b)(1). The Parties further acknowledge that this paragraph does not specify the overall time  
 26 limit for deposing a person who is to testify pursuant to both Fed. R. Civ. P. 30(b)(1) and Fed. R.  
 27

1 Civ. P. 30(b)(6). The Parties must coordinate in good faith regarding deposition noticing and  
2 scheduling.

3 5. There is no limit on the number of non-party depositions in the Related Actions.

4 6. Plaintiffs shall make a reasonable effort to include representatives from Epic,  
5 Developer Plaintiffs and Consumer Plaintiffs at all discovery meet and confers regarding common  
6 issues.

7 7. Before serving discovery on non-parties (whether a document request,  
8 deposition notice, or other), the Parties shall each consider whether the request may reasonably be  
9 served by joint subpoena with some or all of the other Parties. Any of the Parties that serves a  
10 discovery request on a non-party and receives responsive discovery materials shall provide or  
11 make available a copy of such materials to all other Parties within four business days after receipt  
12 of such materials from the non-party, including a written summary of any modification agreed to  
13 concerning the scope of the original requests.

14 8. All disclosures made pursuant to Fed. R. Civ. P. 26(a) (i.e., initial disclosures  
15 and expert disclosures, and supplements thereto) shall be served on all Parties.

16 9. Epic, the group of Consumer Plaintiffs, and the group of Developer Plaintiffs  
17 will each be permitted to serve no more than 25 requests for admission (not including requests for  
18 admission directed solely at authentication of documents) on Google, and Google will be  
19 permitted to serve no more than 25 requests for admission (not including requests for admission  
20 directed solely at authentication of documents) on each of Epic, the group of Consumer Plaintiffs,  
21 and the group of Developer Plaintiffs. For the avoidance of doubt, “Google” in this paragraph  
22 refers to the group of Google Defendants.

23 10. Epic, the group of Consumer Plaintiffs, and the group of Developer Plaintiffs  
24 will each be permitted to serve no more than 20 interrogatories on Google, and Google will be  
25 permitted to serve no more than 25 interrogatories on each of Epic, the group of Consumer  
26 Plaintiffs, and the group of Developer Plaintiffs. For the avoidance of doubt, “Google” in this  
27 paragraph refers to the group of Google Defendants.

1           11. Barring further order of the Court on good cause shown, any cases that are  
2 subsequently related to the Related Actions are to be bound by these protocols governing the  
3 coordination of discovery, as well as any current or future stipulations regarding ESI and expert  
4 discovery agreed upon by the Parties.

5 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

6           Dated: October 22, 2020

7           CRAVATH, SWAINE & MOORE LLP  
8           Christine Varney  
9           Katherine B. Forrest  
9           Gary A. Bornstein  
9           Yonatan Even  
10           Laurent A. Moskowitz  
10           M. Brent Byars

11           Respectfully submitted,

12           By: /s/ Yonatan Even  
13           Yonatan Even

14           *Counsel for Plaintiff Epic Games, Inc.*

15           Dated: October 22, 2020

16           KOREIN TILLERY, LLC  
17           George A. Zelcs  
17           Robert E. Litan  
18           Randall P. Ewing, Jr.  
18           Jonathan D. Byrer  
19           Stephen M. Tillery  
19           Michael E. Klenov  
19           Carol L. O'Keefe

20           BARTLIT BECK LLP  
21           Karma M. Giulianelli  
21           Glen E. Summers  
22           Jameson R. Jones

23           Respectfully submitted,

24           By: /s/ Jamie L. Boyer  
24           Jamie L. Boyer

25           *Counsel for Plaintiffs and the Proposed*  
26           *Class in Carr v. Google LLC et al.*

27  
28           STIPULATION AND ~~PROPOSED~~ ORDER REGARDING COORDINATION OF  
                  DISCOVERY

Case Nos.: 3:20-cv-05671-JD; 3:20-cv-05761-JD; 3:20-cv-05792-JD

1 Dated: October 22, 2020

2 HAGENS BERMAN SOBOL SHAPIRO LLP  
3 Robert F. Lopez  
4 Benjamin J. Siegel

5 Respectfully submitted,

6 By: /s/ Steve W. Berman  
7 Steve W. Berman

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
Counsel for Plaintiffs and the Proposed  
Class in Pure Sweat Basketball v. Google  
LLC et al.

Dated: October 22, 2020

MILBERG PHILLIPS GROSSMAN LLP  
Peggy J. Wedgworth  
Robert A. Wallner  
Elizabeth McKenna  
Blake Yagman  
Michael Acciavatti

Respectfully submitted,

By: /s/ Peggy J. Wedgworth  
Peggy J. Wedgworth

Counsel for Plaintiffs and the Proposed  
Class in Bentley, et al. v. Google LLC et al.

Dated: October 22, 2020

HAUSFELD LLP  
Bonny E. Sweeney  
Melinda R. Coolidge  
Katie R. Beran  
Samantha J. Stein  
Scott A. Martin  
Irving Scher

Respectfully submitted,

By: /s/ Bonny E. Sweeney  
Bonny E. Sweeney

Counsel for Plaintiffs and the Proposed  
Class in Peekya App Services, Inc. v.  
Google LLC et. al

STIPULATION AND ~~PROPOSED~~ ORDER REGARDING COORDINATION OF  
DISCOVERY

Case Nos.: 3:20-cv-05671-JD; 3:20-cv-05761-JD; 3:20-cv-05792-JD

1  
2 Dated: October 22, 2020  
3  
4

MORGAN, LEWIS & BOCKIUS LLP  
Sujal J. Shah  
Michelle Park Chiu  
Minna Lo Naranjo  
Rishi P. Satia

5 Respectfully submitted,  
6

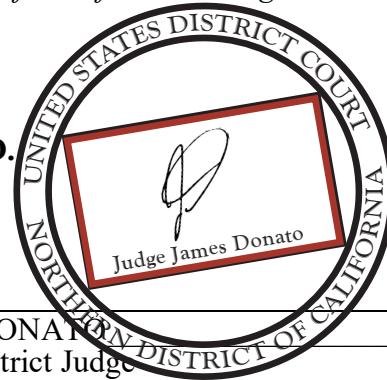
By: /s/ Brian C. Rocca  
7 Brian C. Rocca  
8  
9

10 *Counsel for Defendant Google LLC et. al*  
11

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

12 DATED: November 10, 2020

13 HON. JAMES DONATO  
United States District Judge



14  
15  
16  
17 **E-FILING ATTESTATION**  
18

19 I, Gary A. Bornstein, am the ECF User whose ID and password are being used to  
20 file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the  
21 signatories identified above has concurred in this filing.

22 /s/ Yonatan Even  
23

24 Yonatan Even  
25  
26  
27

28 -8-

STIPULATION AND ~~PROPOSED~~ ORDER REGARDING COORDINATION OF  
DISCOVERY

Case Nos.: 3:20-cv-05671-JD; 3:20-cv-05761-JD; 3:20-cv-05792-JD